

# **EXHIBIT 4**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JUSTIN GUY, individually and  
on behalf of those similarly  
situated,

Plaintiff,

vs. Case No. 20-cv-12734-MAG-EAS

Hon. Mark A. Goldsmith

ABSOPURE WATER COMPANY, LLC,  
a domestic limited liability  
company,

Defendant.

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The Remote Deposition of TERRY PEMBERTON,  
Commencing at 2:01 p.m.,  
Monday, July 3, 2023,  
Before Helen F. Benhart, CSR-2614,  
Appearing remotely from Wayne County, Michigan.

TERRY PEMBERTON

July 03, 2023

## 1 REMOTE APPEARANCES:

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3 ANDREW R. FRISCH

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10 Appearng on behalf of the Plaintiff.

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12 MICHAEL O. CUMMINGS

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19 Appearng on behalf of the Defendant.

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TERRY PEMBERTON

July 03, 2023

1 other routes other than the up north routes?

2 A. Not very often. I can't put a number to it. It was  
3 not very frequent.

4 Q. Okay. Very good. We'll stop sharing this document.

5                   When you were working for Absopure, how  
6 were you paid? Excuse me. I'm going to rephrase the  
7 question. Forgive me. How was your pay calculated  
8 when worked for Absopure?

9 A. I believe it was like a flat rate per day and then we  
10 earned some -- we earned an amount for every bottle we  
11 delivered.

12 Q. Okay. And what was that amount that you earned for  
13 every bottle that you delivered?

14 A. I do not recall.

15 Q. Okay. And you do have -- now, do you recall what your  
16 flat rate was for the day?

17 A. I do not recall, no.

18 Q. Okay. Give me a minute. I'm going to put another  
19 document --

20                   MR. CUMMINGS: By the way, court reporter,  
21 that last document that I just put up, could you enter  
22 that as Exhibit 1. I will e-mail it to you when we're  
23 done here.

24                   REMOTELY INTRODUCED:

25                   DEPOSITION EXHIBIT 1

1 A. I believe so, yeah.

2 Q. You said earlier when defense counsel asked you  
3 about -- a question about what you understood the case  
4 to be about, you said it was about overtime  
5 compensation, right?

6 A. Yeah.

7 Q. And this -- is it your understanding that you were  
8 never paid overtime during the period of time you were  
9 employed by Absopure despite the fact you worked over  
10 40 hours a week?

11 A. That is my understanding, yes.

12 MR. CUMMINGS: Objection.

13 BY MR. FRISCH:

14 Q. Is that what -- so you believe that you have unpaid  
15 overtime compensation you're seeking in this case?

16 A. Could you repeat the question.

17 Q. Is it your understanding that you're seeking unpaid  
18 overtime compensation in this case?

19 A. Yes.

20 Q. I have nothing further.

21 MR. CUMMINGS: I just have a couple  
22 questions based on that.

23 | RE-EXAMINATION

24 BY MR. CUMMINGS:

25 Q. Did you ever drive a Sprinter van on your overnight